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October 13, 2015

The Honorable Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Citibank, N.A. v. Bombshell Taxi LLC, Civil Action No.: 1:15-cv-05067-PKC-RER

Dear Judge Chen:

We are counsel for Bombshell Taxi LLC, Bourbon Taxi LLC, Butterfly Taxi LLC, Candy Apple Taxi LLC, Chianti Taxi LLC, Chopard Taxi, Inc., Cupcake Taxi LLC, Dorit Transit Inc., France Taxi LLC, Hennessy Taxi Inc., Hypnotic Taxi LLC, Iceberg Taxi Inc., Marseille Taxi LLC, Merlot Taxi LLC, Milkyway Cab Corp., Palermo Taxi Inc., Pinot Noir Taxi LLC, Pointer Taxi Inc., Pudding Taxi LLC, Stoli Taxi Inc., Vodka Taxi LLC, and VSOP Taxi Inc. (collectively, the “Debtor Defendants”). Each of the Debtor Defendants is a debtor and debtor in possession in their respective chapter 11 bankruptcy cases pending before the Honorable Carla E. Craig, Chief United States Bankruptcy Judge, in the United State Bankruptcy Court for the Eastern District of New York (“Bankruptcy Court”).¹ We write to request entry of an order referring the above referenced civil action to the Bankruptcy Court in accordance with the Eastern District of New York standing orders of reference dated August 28, 1986 and December 5, 2012 (Administrative Orders Nos. 264 and 601, respectively), as amended, which provide that any and all cases under Title 11 and any or all proceedings arising under Title 11, or arising in or related to a case under Title 11 “are referred to the Bankruptcy Judges of this District.” See Administrative Orders No. 264 and 601.

By way of background, on March 6, 2015, Citibank, N.A. (“Citibank”) commenced this action in the Supreme Court for the State of New York, New York County, *CITIBANK, N.A. v.*

¹ The case numbers for the Debtor Defendants’ respective chapter 11 cases are as follows: Bombshell Taxi LLC (Case No. 15-43301); (iii) Bourbon Taxi LLC (Case No. 15-43302); (iv) Butterfly Taxi LLC (Case No. 15-43303); (v) Candy Apple Taxi LLC (Case No. 15-43304); (vi) Chianti Taxi, LLC (Case No. 15-43305); (vii) Chopard Taxi Inc. (Case No. 15-43306); (viii) Cupcake Taxi LLC (Case No. 15-43307); (ix) Dorit Transit Inc. (Case No. 15-43308); (x) France Taxi LLC, (Case No. 15-43309); (xi) Hennessy Taxi Inc. (Case No. 15-43310); (xii) Iceberg Taxi Inc. (Case No. 15-43311); (xiii) Marseille Taxi LLC (Case No. 15-43312); (xiv) Merlot Taxi LLC (Case No. 15-43313); (xv) Milkyway Cab Corp. (Case No 15-43314); (xvi) Palermo Taxi, Inc. (Case No. 15-43315); (xvii) Pinot Noir Taxi LLC (Case No. 15-43316); (xviii) Pointer Taxi LLC, (Case No. 15-43317); (xix) Pudding Taxi Inc. (Case No. 15-43318); (xx) Stoli Taxi Inc. (Case No. 15-43319); (xxi) Vodka Taxi LLC (Case No. 15-43320); and (xxii) VSOP Taxi Inc. (Case No. 15-43321).

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BOMBHELL TAXI LLC, et al., Index No.: 650691/2015. On July 22, 2015, Debtor Defendants each filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code in the Bankruptcy Court. On July 27, 2015, the Debtor Defendants filed a motion seeking joint administration of their bankruptcy cases under the lead case *In re Hypnotic Taxi LLC*, Case No.: 15-43300 (CEG) (the “Bankruptcy Cases”).

On July 29, 2015, the Debtor Defendants filed a Notice of Removal of this case in the United States District Court for the Southern District of New York. On August 3, 2015, the Debtor Defendants filed a motion to transfer venue to this Court (“Venue Transfer Motion”). The Venue Transfer Motion was granted on August 21, 2015 and this matter was transferred to this Court.

In their Complaint, Citibank seeks to recover on various secured loans (“Loans”) made by Citibank to numerous corporate entities, all of which own and operate New York City yellow taxis pursuant to medallions issued by the New York City Taxi and Limousine Commission (“Medallions”), and on various related guaranties. Citibank also seeks to take possession of the Debtor Defendants’ respective Medallions. It alleges that as a result of the maturity of some loans, payment defaults, cross-defaults and certain guaranties, all of the loans are due in full and the defendants are indebted to Citibank in the aggregate principal sum of \$31,535,626.79, plus interest and various other amounts, and Citibank is entitled to immediate possession of all collateral, including the Medallions.

In their Answers, Debtor Defendants and non-removing defendants asserted twelve (12) counterclaims seeking: (i) damages against Citibank based upon alleged fraudulent inducement, fraud, negligence, tortious interference, negligent misrepresentation, breach of fiduciary duty, unjust enrichment, breach of contract, recoupment, breach of covenant of good faith and fair dealing, (ii) a judgment declaring that Citibank did not have the right to accelerate the Loans, and (iii) an accounting.

It is respectfully submitted that the Court should refer this case to the Bankruptcy Court in accordance with Administrative Orders Nos. 264 and 610, as amended. All parties to the case have indicated that they have no objection to the referral of the case, with a full reservation of rights with respect to seeking removal for purposes of entering final judgments, a trial by jury, or remand to a prior court.

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To the extent a pre-motion conference is required prior to the filing of this motion, Debtor Defendants respectfully request that the Court allow this letter to serve as its letter motion seeking a pre-motion conference.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brendan M. Scott". The signature is stylized with a large, looped "B" and a cursive "M".

Brendan M. Scott

cc: Nathan Schwed
Tracee Elaine Davis
Bruce Seth Goodman
Nicholas Robert Ciappetta
Brett Berman
Hal L. Baume